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Attorneys for Defendants
Cisco Systems, Inc., Venu Dharmapuri, and Kenny
Paul

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ANOOP RAJKUMAR,

Plaintiff,

vs.

CISCO SYSTEMS, INC., VENU
DHARMAPURI, and KENNY PAUL, et
al.,

Defendants.

Case No. C08-01600-PVT

**DEFENDANTS CISCO SYSTEMS, INC.,
VENU DHARMAPURI, KENNY PAUL,
DELOITTE CONSULTING LLP, AND
WIPRO TECHNOLOGIES' CASE
MANAGEMENT CONFERENCE
STATEMENT**

PURSUANT TO CIVIL LOCAL RULE 16, Defendants Cisco Systems, Inc. ("Cisco"), Kenny Paul, Venu Dharmapuri, Deloitte Consulting LLP ("Deloitte"), and Wipro Technologies ("Wipro") (collectively, "Defendants") submit this Case Management Conference Statement in advance of the Case Management Conference currently on calendar for August 5, 2008.

Defendant Naval Mohta recently filed an answer with the Court. As of this writing, his attorney has not responded to counsel's attempts to speak with him.

1. Court has jurisdiction over this matter as Plaintiff has alleged a violation of 18 U.S.C. § 2520. There are no issues regarding personal jurisdiction or venue.

2. Plaintiff Anoop Rajkumar is a former employee of Defendants Cisco, and Wipro.

1 Mr. Rajkumar worked with Mr. Dharmapuri and Mr. Paul while at Cisco. Mr. Rajkumar alleges
2 that Defendants attempted to watch him, tap his electronic communications, and record secretly
3 his oral conversations. He does not allege a conspiracy among Defendants. Mr. Rajkumar also
4 alleges that some Defendants made defamatory statements about him, although it is unclear which
5 Defendants he believes made these statements and what statements were allegedly made. These
6 Defendants are unaware of Mr. Rajkumar's relationship with Mr. Mohta. The complaint alleges
7 these actions took place between 2005 and 2007.

8 3. As a preliminary matter, Defendants categorically deny each and every factual
9 allegation set forth in the complaint. To the extent Mr. Rajkumar's allegations pertain to conduct
10 by his employers at his workplace or his use of company property (*i.e.*, computer, email
11 telephone), however, such actions by Defendants are immune from liability. Moreover, any such
12 claims may be barred by the exclusivity provisions of the California workers' compensations
13 statutes.

14 4. Defendants Cisco, Paul, Dharmapuri, and Wipro have moved to dismiss the
15 complaint. The hearing on the motion is set for August 5th. If Mr. Rajkumar pleads his claims
16 sufficiently, all Defendants anticipate moving for summary judgment after minimal discovery.

17 5. Defendants Cisco, Wipro, Dharmapuri, and Paul have moved to dismiss the
18 complaint and have not yet answered. Defendants do not anticipate filing any amended
19 pleadings.

20 6. Counsel for Cisco, Paul, Dharmapuri, and Wipro have advised likely custodians of
21 records of their obligation to preserve any documents, including electronic documents, that may
22 pertain to Mr. Rajkumar or his claims.

23 7. Counsel for Deloitte Consulting LLC have advised likely custodians of records of
24 their obligation to preserve any documents, including electronic documents, that may pertain to
25 Mr. Rajkumar or his claims

26 8. The parties (with the exception of Mr. Mohta) met and conferred pursuant to
27 FRCP 26(f) and agreed to exchange initial disclosures pursuant to FRCP(a) within 14 days after
28 all parties have filed an answer in this matter. The parties agreed to commence written discovery

1 within 30 days after all parties have filed an answer.

2 9. No discovery has been taken as of this writing. Defendants do not anticipate a
3 need for substantial discovery. Defendants do not propose any limitation or modification of the
4 discovery rules.

5 10. This case is not a class action.

6 11. Defendants are not aware of any related cases or proceedings pending before
7 another court or before another court or administrative body.

8 12. Defendants have not made any claim for damages. Defendants refer the Court to
9 Plaintiff's Case Management Conference Statement for a summary of damages claimed by Mr.
10 Rajkumar.

11 13. As of this writing, all of the parties except defendant Mohta have agreed to an
12 early settlement conference before a magistrate. Defendants do not have sufficient information
13 about Mr. Rajkumar's position to address prospects for settlement.

14 14. All Defendants have consented to have a magistrate judge conduct all further
15 proceedings, including trial and entry of judgment.

16 15. The case is not suitable for reference to reference to special master or Multidistrict
17 Litigation and Defendants will not consent to binding arbitration.

18 16. Given the deficiencies in the original complaint, Defendants do not have sufficient
19 knowledge of the facts Mr. Rajkumar believes are at issue to address the extent to which these
20 facts can be narrowed by way of motion or stipulation. In general, Defendants anticipate that
21 many of the material issues of fact may be narrowed by summary judgment.

22 17. Defendants believe that it would be appropriate to handle this case on an expedited
23 basis with streamlined procedures.

24 18. Defendants believe that Spring 2009 would be an appropriate time for trial.
25 Defendants note that, given the gross imprecision found in the complaint, it is unclear exactly
26 what behavior Mr. Rajkumar believes to be at issue. Defendants further note that they anticipate
27 filing motions for summary judgment

28 19. Mr. Rajkumar has demanded a jury trial. Defendants anticipated no more than five


1 days for trial.

2 20. Defendants have filed a certification of interested parties. None of the defendants
3 is aware of any persons, firms, partnerships, corporations or other entities known by the party to
4 have either a financial interest in the subject matter in controversy or in a party to the proceeding
5 or any other kind of interest that could be substantially affected by the outcome of the proceeding.

6 21. Defendants are not aware of any other matters that may facilitate the just, speedy
7 and inexpensive disposition of this matter.

8
9 Dated: July 29, 2008

MORGAN, LEWIS & BOCKIUS LLP


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11 By 

Howard Holderness

12 Attorneys for Defendants
13 Cisco Systems, Inc., Venu Dharmapuri, and
Kenny Paul

14 Dated: July _____, 2008

BELLO BLACK & WELSH LLP

15
16 By 

Josiah (Josh) Black

17 Attorneys for Defendant Wipro Technologies

18
19 Dated: July _____, 2008

ORRICK, HERRINGTON & SUTCLIFFE LLP

20
21 By /s/ Patricia K. Gillette
22 Patricia K. Gillette

23 Attorneys for Defendant Deloitte Consulting
24 LLC